

**TITLE 14. Fish and Game Commission  
Notice of Proposed Changes in Regulations**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 219, 220, 240, 713, 1050, 1053, 1055, 1055.1, 5521, 7149.8 and 7380, of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 206, 210, 220, 240, 713, 1050, 1053, 1055, 1055.1, 5521, 7145, 7149.8, 7380, 7381 and 7382, of said Code, proposes to amend sections 1.74, 5.80, 5.81, 5.87, 27.90, 27.91, 27.92, 29.15, 29.90 and 701; and add sections 5.79, 5.88, 29.16 and 29.91, Title 14, California Code of Regulations, relating to Sport Fishing Report Card and Tagging Requirements regulations.

**Informative Digest/Policy Statement Overview**

The Department has identified a need to implement additional regulatory requirements for recreational anglers that fish for or take salmon, steelhead, abalone, sturgeon and lobster. The proposed changes are needed to implement vital fishery management to protect and preserve the unique character of California's salmon, steelhead, sturgeon, abalone and lobster fisheries and provide anti-poaching measures to combat illegal black-market activities.

These proposed changes will revamp and add additional requirements for these five sport fisheries, in order to address inadequate recreational harvest data, the lack of adequate funds for report card programs, and difficulties with enforcement of existing current report card requirements and bag limit regulations.

The Department is proposing to change existing regulations to:

- 1) Require anglers of all ages to obtain and carry a report card for all fishing areas and all dates (i.e. fishing piers and free fishing days) when fishing for a species that requires a report card.
- 2) Standardized formats and procedures for all report cards.
- 3) Incorporate sequentially numbered tags into the Abalone Report Card similar to the Sturgeon Fishing Report Card.
- 4) Revise the Klamath-Trinity Salmon Report Card to collect additional river angler data and eliminate the card requirement for ocean waters.
- 5) Implement a new Spiny Lobster Report Card.
- 6) Ensure all report card fees adequately cover monitoring and analysis costs, where possible.

**BACKGROUND**

Existing fishing report cards collect angler information that would otherwise be very expensive to survey, help increase sample size of fishery estimates, and provide an important harvest tool for assessment and enforcement purposes. Title 14, California Code of Regulations (CCR), presently contains four sport fishing report cards which are:

- Sport Salmon Punch Card - Section 1.74
- Steelhead Fishing Report and Restoration Card - Section 1.74
- Abalone Permit Report Card – Section 29.15
- Sturgeon Fishing Report Card - sections 5.80 & 27.90

The Sport Salmon Punch Card was the first fishing report card adopted by the Commission in 1986 as a fishery management tool to monitor the recreational salmon fishery catch and effort in the ocean waters above Horse Mountain and the anadromous waters of the Klamath and Trinity river basins.

The next two fishing report cards were established by the Legislature. The Steelhead Fishing Report and Restoration Card was implemented in 1991 pursuant to Fish and Game Code Section 7380 to track the steelhead fishery catch and effort and provide revenue for steelhead restoration efforts. The Legislature also provided the Commission with the authority to establish additional regulations to implement and make specific this report card requirement as necessary pursuant to Fish and Game Code subsection 7380(c).

The Abalone Permit Report Card was added in 2001 pursuant to Fish and Game Code Section 7149.8 to track the recreational abalone fishery catch and effort and provide revenue for abalone research and management. However, the Commission retained general authority to regulate sport fishing (Fish and Game Code Sections 200, 202 and 205), and thus can implement and make specific provisions to implement this statutorily-established card program consistent with the Abalone Recovery and Management Plan adopted by the Commission pursuant to Fish and Game Code Section 5522.

The fourth report card was the Sturgeon Fishing Report Card adopted by the Commission in 2006, under its general authority to regulate the recreational white sturgeon fishery. Its new approach required all anglers regardless of age and fishing area carry the report card and incorporated removable tags to be affixed to any retained white sturgeon. This approach was necessary to enforce the three-fish annual bag limit, collected additional angler data, deter poaching and stop illegal black-market activities. This report card was required for anglers less than 16 years old and

other non-licensed anglers to collect important information that would otherwise be underestimated or not counted.

## **PROPOSAL DISCUSSION AND DETAILS**

The Department requests the Commission consider the following proposed revisions or additions to Title 14, CCR, as described herein:

### **Section 1.74 - Sport Fishing Report Card and Tagging Requirements**

The Department is proposing to improve the design of each report card to streamline the completion and submission procedures. All of the report cards will require the same cardholder information be collected and the completion, submission, and replacement card procedures will be contained within this general section. This standardization will reduce license agent and angler confusion when using the five different report cards and help increase regulation compliance.

The Klamath-Trinity salmon, steelhead, abalone, sturgeon, and lobster fisheries are some of California's most valuable recreational fishing resources and provide significant economic benefit to the California's statewide economy. It is crucial that catch and effort information be collected from all anglers in these very important fisheries, as the under-age and non-licensed anglers are otherwise underestimated, misrepresented, or just not counted. These proposed revisions are considerably more cost-effective than having Department staff expand its creel census program to cover 100% of the recreational fishing effort for these fisheries. -

Existing regulations in this section contains the Salmon Punch Card and Steelhead Fishing Report and Restoration Card requirements. The ocean requirement for the salmon report card is proposed to be eliminated, the regulations for the salmon report card requirement will be revised and moved to Section 5.87, and the regulations for the steelhead report card requirement will be revised and moved to Section 5.88. The proposed Section 1.74 revisions and additions applicable to all report cards are outlined below:

#### Purpose

These regulations address potential concerns for overfishing and a lack of recreational fishing effort and catch information in some or all areas where the fishery operates. Many of these species are of high commercial value, and therefore, additional enforcement mechanisms are needed to improve compliance with existing bag limits and other regulations, and to reduce the potential for poaching.

#### Species and Location Requirements

Anglers fishing for or taking the following species in the specified area are subject to the report card requirements:

- 1) Salmon, in the Klamath-Trinity River System defined as the anadromous waters of the Klamath and Trinity River basins.
  - a) Anadromous waters are defined by Section 1.04 as inland waters that are accessible to fish migrating from the ocean.
- 2) Steelhead trout, in anadromous waters.
- 3) White sturgeon, in all areas of authorized take and retained sturgeon are required to be tagged.
- 4) Red abalone, in all areas of authorized take and retained abalone are required to be tagged.
- 5) California spiny lobster, in all areas of authorized take.

#### General Report Card Requirements

- 1) Any person fishing for or taking any of the above five species shall possess a non-transferable report card for that particular species. This includes all persons who are:
  - a) under 16 years of age,
  - b) fishing from a public pier,
  - c) fishing on free fishing days, or
  - d) hold a lifetime fishing license.
- 2) Persons exempt from sport fishing license requirements may obtain report cards without purchasing a sport fishing license.
- 3) All entries made on any report card or tag must be legible and in indelible ink.
- 4) The cardholder is responsible for entry of the following information at the time of report card issuance:
  - a) Acquisition of Sturgeon Fishing Report Cards and Abalone Report Cards: If the cardholder is required to have a sport fishing license, the report card number shall be entered in the designated space provided on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.
  - b) Acquisition of Klamath-Trinity Salmon Report Cards, Steelhead Report and Restoration Cards and Spiny Lobster Report Cards: If the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered in the blank area on the back of the individual's sport fishing license, and the sport fishing license number shall be entered on the report card in the appropriate space.
  - c) The date that the report card is issued.
  - d) The cardholder's name.
  - e) The cardholder's street address, city, state, and zip code.
  - f) The cardholder's home phone.

- g) The cardholder's date of birth.
- h) If the cardholder has an e-mail address, a driver's license, or DMV identification number, this information shall also be entered in the appropriate spaces.
- 5) If the cardholder wants to purchase another fishing license after their short term sport fishing license has expired, the cardholder does not need to purchase a second report card provided they still possesses the first report card.
- a) If there is a space provided for the particular card on the sport fishing license, the number shall be entered in the appropriate space at the time of purchase.
- b) If there is no space provided for the card, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license.
- 6) A report card shall be valid only during the open fishing season for the calendar year as shown on the report card.
- 7) Cardholders shall return their card by January 31 of the following year to the Department at the address specified on the card.
- 8) Cardholders who fail to return their report card to the Department by the deadline may be restricted from obtaining the same card in a following license year, or may be charged additional fees for the issuance of the same card in a following license year.
- 9) For abalone and sturgeon report cards, only one report card may be issued per person per year.
- 10) Report cards may not be transferred to another person and no person may possess any report card other than their own.

#### Replacement Procedures for Lost Abalone or Sturgeon Report Cards

- 1) If the cardholder loses an abalone or sturgeon report cards, a replacement card can be obtained by providing all of the following information to a Department license office:
  - a) A photocopy of the original report card issued in the cardholder's name.
  - b) A signed affidavit containing the following information:
    - 1. A statement confirming that the originally issued report card cannot be recovered.
    - 2. A statement of the cardholder's best recollection of the prior catch records that were entered on the report card that was lost, including the number of tags utilized.
    - 3. A statement describing the factual circumstances surrounding the loss of the card.
  - c) Proof of purchase of the original report card.
  - d) Payment of the replacement card and processing fee.
    - 1. A replacement report card fee is proposed to recover Department printing costs pursuant to Section 1053(b) of the Fish and Game Code.
    - 2. A processing fee for the replacement report card is proposed to recover Department processing costs pursuant to Section 1050(e) of the Fish and Game Code.
- 2) Based on the information provided in the written affidavit, the Department shall issue only the number of tags that were reported unused on the previously issued report card.
- 3) At the time the replacement card is acquired, if the cardholder is required to have a sport fishing license, the number of the replacement card shall be entered in the appropriate space on the sport fishing license and the fishing license number shall be entered in the space provided on the report card.
- 4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

#### Replacement Procedures for Salmon, Steelhead, or Lobster Report Cards

- 1) Any cardholder who fills in all available lines on their steelhead, salmon or lobster report card shall return the card to the Department address specified on the card prior to purchasing a second card.
- 2) Any cardholder who loses their steelhead, salmon or lobster report card may purchase a second card. Before purchasing a new card, they shall provide a written affidavit to the Department address on the card documenting the lost catch and effort data required by the card to the best of the cardholder's recollection.
- 3) At the time the additional card is acquired, if the cardholder is required to have a sport fishing license, both the name of the report card and the number shall be entered on the back of the individual's sport fishing license, and the fishing license number shall be entered in the space provided on the report card.
- 4) All regulations applicable to the initial card also apply to additional cards issued pursuant to this subsection.

#### Specific Report Card and Tagging Requirements

Data recording and tagging procedures vary between report cards and species. These specific regulations in sections 5.79, 5.87, 5.88, 27.92, 29.16, and 29.91 also apply in addition to the regulations of this Section.

#### **Sections 5.79 and 27.92 - White Sturgeon Report Card and Tagging Requirements (for Inland and Ocean Waters)**

Section 5.79 is a new inland waters section and Section 27.92 is an updated ocean waters section to contain the sturgeon report card and tagging requirements removed and revised from Section 5.80 for inland waters and Section 27.90 for ocean waters. The proposed revisions are the same for both sections and are outlined below:

- 1) All anglers must have a Sturgeon Fishing Report Card in their possession while fishing for or taking sturgeon.
- 2) Anglers must complete and return the report card pursuant to regulations in this Section and Section 1.74.
- 3) Tagging and Recording Requirements for Retained Fish
  - a) This report card includes detachable sequentially numbered tags that shall be used to tag any white sturgeon taken and retained.
  - b) Any white sturgeon possessed by any person shall be tagged.
  - c) Upon taking and retaining a white sturgeon, the cardholder shall immediately record the month, day, fishing location and length of the fish in the appropriate spaces on the tag.
  - d) Tags shall be used in sequential order.
  - e) The month, day, fishing location and length of the fish shall be recorded in the appropriate spaces on the report card which corresponds to the number on the tag.
  - f) Immediately after recording the information as required, the cardholder shall remove and completely detach the tag from the card and affix it to the white sturgeon.
  - g) Cardholders shall not wait until completion of fishing activity to tag any white sturgeon in possession.
  - h) The tag shall be securely fastened to the fish. To affix the tag, a "zip tie", string, line or other suitable material shall be passed through at the location specified on the sturgeon tag and attached to the fish.
  - i) Tags shall not be removed from the report card until immediately prior to affixing to a white sturgeon.
  - j) Any tag detached from the report card and not affixed to a white sturgeon shall be considered used and therefore invalid.
  - k) No person shall possess any used or otherwise invalid tags.
- 4) Records of Prior Activity
  - a) All tags must be accounted for at all times by entry of a record on the report card corresponding to all tags that are not in possession.
  - b) Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the report card.
- 5) Reporting Requirements for Released Fish
  - a) Whenever the cardholder catches and releases a sturgeon, the cardholder shall immediately record the month, day, location code, and species of sturgeon on the report card.
  - b) If all lines in the "sturgeon released" field of the report card are filled, any additional sturgeon caught and released need not be recorded on the card.
- 6) Sturgeon tags must be left affixed to the fish in place, including while stored at a residence or non-transient location, until the fish is processed for immediate consumption.

#### **Sections 5.80 and Section 27.90 - White Sturgeon**

Existing regulations in Section 5.80 prescribes the regulations governing recreational white sturgeon fishing in inland waters. The regulations for the sturgeon report card requirement will be revised and moved to Section 5.79, and the reference updated to show the reporting and tagging requirements are defined in sections 1.74 and 5.79.

Existing regulations in Section 27.90 prescribes the regulations governing recreational white sturgeon fishing in ocean waters. The regulations for the sturgeon report card requirement will be revised and moved to Section 27.92, and the reference updated to show the reporting and tagging requirements are defined in sections 1.74 and 27.92.

#### **Section 5.81 and Section 27.91 - Green Sturgeon**

Existing regulations in Section 5.81 states green sturgeon may not be taken or possessed in inland waters. The reference will be updated to show the catch and release reporting requirements are defined in sections 1.74 and 5.79.

Existing regulations in Section 27.91 states green sturgeon may not be taken or possessed in ocean waters. The reference will be updated to show the catch and release reporting requirements are defined in sections 1.74 and 27.92.

#### **Section 5.87 - Klamath-Trinity Salmon Report Card Requirement**

Klamath and Trinity river basin salmon stocks have been severely depleted in recent years due to poor escapement and ocean conditions. This has resulted in extensive ocean and river fishery restrictions. There is also a strong concern that many of the basin's sub-stocks have higher than predicted fishery impacts which could lead to their possible extinction. These proposed changes will augment the existing data for salmon stocks from the river sport fishery to ensure effective management of the Klamath-Trinity river basin salmon stocks.

Presently the Sport Salmon Punch Card serves as an enforcement tool for tracking daily and weekly bag limits. The proposed changes will eliminate the report card requirement for ocean waters above Horse Mountain, change the name to the Klamath-Trinity Salmon Report Card to reflect its reduced geographic area and format change from a punch card, and collect adult and jack Chinook salmon retention and release information, Coho salmon release information, and record salmon fin clip information.

This is a new section to contain the regulations for the salmon report card requirement revised and moved from Section 1.74. The proposed revisions are outlined below:

- 1) All anglers must have a Klamath-Trinity Salmon Report Card in their possession while fishing for or taking salmon in waters of the Klamath River system.
- 2) Anglers must complete and return the card pursuant to regulations in this Section and Section 1.74.
- 3) Prior to beginning fishing activity, the cardholder shall record the month, day, and fishing location on the first available line on the report card.
- 4) Whenever the cardholder retains or releases a Chinook salmon, they must immediately record whether the fish was an adult or a jack and whether the fish has an adipose fin present.
- 5) Whenever the cardholder releases a Coho salmon, they must immediately record whether the maxillary is present or absent.
- 6) Whenever the cardholder moves to another fishing location, they must record the month, day, and catch area on the next line on the report card.
- 7) In the Klamath-Trinity River System, a jack Chinook salmon is defined as any Chinook salmon that is less than 22 inches total length.
- 8) In the event an angler completely fills in all lines and returns a Klamath-Trinity Salmon Report Card, an additional card may be purchased.

#### **Section 5.88 - Steelhead Report and Restoration Card Requirements for Inland Waters**

This is a new section to contain the steelhead report card requirement for inland waters revised and moved from Section 1.74. The proposed revisions are outlined below:

- 1) All anglers must have a Steelhead Fishing Report and Restoration Card in their possession while fishing for or taking steelhead in anadromous waters.
- 2) Anglers must complete and return the card pursuant to regulations in this Section and Section 1.74.
- 3) For purposes of these regulations, a steelhead trout is defined as any rainbow trout greater than 16 inches in length in anadromous waters.
- 4) Prior to beginning fishing activity, the cardholder must record the month, day, and fishing location on the first available line on the report card.
- 5) When a steelhead is retained, the cardholder must immediately fill in a circle indicating whether the fish is a wild fish or a hatchery fish.
- 6) When the cardholder moves to another fishing location, or finishes fishing for the day, the angler must immediately record on the card the number of wild and hatchery fish that were released from that location.
- 7) In the event an angler completely fills in all lines and returns the Steelhead Fishing Report and Restoration Card, an additional card may be purchased.

#### **Section 29.15 - Abalone**

Existing regulations in this section prescribes the regulations governing recreational abalone diving activity in northern California waters where the take of red abalone is authorized. The regulations for the abalone report card requirement will be revised and moved to Section 29.16 and the reference updated to show the reporting and tagging requirements are defined in sections 1.74 and 29.16.

#### **Section 29.16 - Abalone Report Card and Tagging Requirements for Ocean Waters**

The Department is proposing the Abalone Report Card be issued with 24 attached numbered tags to match the current annual limit similar to the Sturgeon Report Card and tags.

At the Commission's May meeting, the Department reported that violations of daily and annual bag limit regulations for abalone continue to be widespread, despite concerted enforcement and outreach efforts and the threat of enhanced penalties. As reported, abalone are often taken by one angler and given away as a gift.

Current regulations make it impossible to determine if the abalone in an individual's possession was taken legally without the use of a sequentially numbered tag. An abalone tag affixed to the abalone shell will clearly indicate that the individual was harvested in the recreational fishery. This new tag program will assist enforcement officers in the field to determine if the abalone was legally taken within existing daily and annual bag limits.

This is a new section to contain the abalone report card requirement revised and moved from Section 29.15 and the proposed new tagging requirements. The proposed revisions are outlined below:

- 1) All individuals including divers must have an Abalone Report Card in their immediate possession while fishing for or taking red abalone.
- 2) Individuals must complete and return the report card pursuant to regulations in this Section and Section 1.74.
- 3) Tagging Requirements
  - a) This report card includes detachable sequentially numbered tags that shall be used to tag any abalone that is taken and retained.

- b) Any red abalone possessed by any person shall be tagged.
- c) Cardholders shall tag any red abalone either immediately upon exiting the water or immediately upon boarding a vessel, whichever occurs first.
  - 1. OPTION 1 – No exception for users of non-motorized vessels.
  - 2. OPTION 2 – Provides exception to allow cardholders using non-motorized vessels to disembark prior to tagging. Cardholders who dive from a non-motorized vessel such as a kayak that is in the water may wait until immediately after disembarking from the non-motorized vessel to tag and record any abalone in possession, but shall not transfer any abalone from his or her immediate possession unless they are first tagged and recorded on the report card.
  - 3. For the purposes of this section, a vessel is defined as any watercraft used or capable of being used as a means of transportation on water.
- d) Cardholders shall not wait to return to their vehicle, beach site or other location to tag any abalone in possession.
- e) The cardholder shall fill in the month, day, time of catch, and fishing location on the abalone tag, remove and completely detach the tag from the card, and affix it to the shell of the abalone.
- f) The tag shall be securely fastened to the shell of the abalone. To affix the tag, a “zip tie”, string, line or other suitable material shall be passed through a siphon hole on the abalone shell and through the tag at the location specified on the abalone tag.
- g) Tags shall be used in sequential order, and shall not be removed from the report card until immediately prior to affixing to an abalone.
- h) Any tags detached from the report card and not affixed to an abalone shall be considered used and therefore invalid.
- i) No person shall possess any used or otherwise invalid abalone tags not attached to an abalone shell.
- 4) Reporting Requirements
  - a) Immediately upon tagging all abalone in possession, the cardholder shall record the month, day, time of catch, and fishing location in the appropriate spaces on the numbered line on the report card which corresponds to the number of the tag on the abalone.
- 5) Records of Prior Activity
  - a) All tags must be accounted for at all times by entry of a record on the report card corresponding to all tags that are not in possession.
  - b) Any tag that was lost or destroyed shall be recorded as such on the corresponding line on the report card.
- 6) Abalone tags must be left affixed to the shell, including while stored at a residence or non-transient location, until the abalone is processed for immediate consumption.

### **Section 29.90 - Spiny Lobsters**

Existing regulations in this section prescribes the regulations governing recreational lobster fishing activity using SCUBA, snorkel and hoop net gear. The proposed amendment will add a reference that any person fishing for or taking a spiny lobster shall have a Spiny Lobster Report Card in their possession and follow the reporting requirements defined in sections 1.74 and 29.91.

### **Section 29.91 - Spiny Lobster Report Card Requirements for Ocean Waters**

A Spiny Lobster Report Card is proposed to collect needed information on recreational catch, effort, and gear used in the recreational lobster fishery. The Department presently has no effective method to assess recreational take levels or differences in gear efficiency in this fishery, and this new report card will collect vital recreational catch and effort data to enhance assessment of the spiny lobster resources and fishery.

This is a new section to contain the proposed new spiny lobster report card requirement. The proposed revisions are outlined below:

- 1) All individuals must have a Spiny Lobster Report Card in their possession while fishing for or taking lobster.
- a) In the case of a person diving from a boat, the report card may be kept in the boat, or in the case of a person diving from the shore, the report card may be kept within 500 yards on the shore.
- 2) Individuals must complete and return the card pursuant to the regulations in this Section and Section 1.74.
- 3) Prior to beginning fishing activity, the cardholder must record the month, day, location and gear code on the first available line on the report card.
- 4) When the cardholder moves to another location code, or finishes fishing for the day, he or she must immediately record on the card the number of lobster kept from that location.
- 5) In the event an individual completely fills in all lines and returns a Spiny Lobster Report Card, an additional card may be purchased.

### **Section 701 - Sport Fishing Forms and Fees**

Existing regulations in this section contains recreational fishing form numbers that are incorporated by reference and their fees which are adjusted annually pursuant to the provisions of Section 699. The proposed amendments to Section 701 will update this information for salmon, steelhead, and sturgeon report cards, add this information for the abalone and lobster report cards, and add the replacement card and replacement processing fees for the sturgeon

and abalone report cards. The proposed revisions are outlined below:

- 1) The Klamath-Trinity Salmon Report Card fee, \$1.50 in 2007, does not cover any monitoring and analysis costs. Consequently, the Department proposes an increased 2008 fee of \$5.00 for this card to cover projected program monitoring and analysis costs. This fee increase will fund processing of the card data and expand the existing creel survey to cover spring-run Chinook in the Lower Klamath River and fall-run Chinook in Upper Klamath River. The existing creel survey for fall-run Chinook is funded by the U.S. Bureau of Reclamation in Lower Klamath River.
- 2) The Department proposes a 2008 fee of \$7.50 for the new Spiny Lobster Report Card to cover projected monitoring and analysis costs. Presently there is no funding for monitoring and analysis costs for the lobster recreational fishery. The proposed fee will fund processing of the card data, a new sport lobster creel survey, augment existing telephone surveys to collect lobster sport data, provide enforcement measures on the ocean, public outreach and education, and further lobster resource research with the goal of long term sustainability.
- 3) The Department proposes leaving the Sturgeon Fishing Report Card as a free card for 2008. Projected monitoring and analysis costs will be augmented by the Bay-Delta Stamp Program.
- 4) The Abalone Report Card and Steelhead Fishing Report and Restoration Card fees are set by statute. The Commission does not have authority to modify this fee. In 2008, the fees will be \$17.75 and \$5.75, respectively.
- 5) Proposed replacement report card fees for the abalone and sturgeon report cards are being established to align it with other Department replacement tag procedures. In 2008, the fees will be \$8.25 and \$0.00, respectively. In 2009, the fees will be \$8.25 and \$1.50, respectively.
- 6) Proposed replacement processing fees for replacement of the abalone and sturgeon report cards are being established to recover Department costs for processing of the replacement report card requests. In 2008, the fee will be \$7.50 for both cards.

Other minor revisions for simplification and clarity purposes are proposed.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resource Building 1<sup>st</sup> Floor Conference Room, Sacramento, California, on Friday, November 2, 2007 at 8:30 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Department of Education, State Board Room, 1430 N. Street, Room 1101, Sacramento, California on Friday, December 7, 2007, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before November 26, 2007, at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on December 4, 2007. All comments must be received no later than December 7, 2007, at the hearing in Sacramento, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to Jon Snellstrom at the preceding address or phone number. **Scott Barrow, phone (916) 445-7600, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

#### Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

### **Impact of Regulatory Action**

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed regulations are projected to have some minor though unquantifiable positive impact on businesses such as tackle shops, drug stores, box stores, and other vendors who contract with the Department to sell report cards to anglers.

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

It is likely that on the whole, there will be a positive, rather than adverse impact on businesses, and the proposed regulations are not likely to affect the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.

(c) Cost Impacts on a Representative Private Person or Business:

<b>Table 1. Estimated Department Costs for 2008 Report Card Programs</b>					
Report Card	Quantity Produced	Proposed 2008 Card Fee	Estimated Cards Sold in 2008	Estimated 2008 Card Revenue	Projected Department Costs
<i>Commission enacted report card programs</i>					
Salmon Card	70,000	\$5.00	12,500	\$62,400	\$108,000 <sup>1</sup>
Sturgeon Card	180,000	\$0.00	34,400	\$0	\$370,000 <sup>2</sup>
Lobster Card	100,000	\$7.50	70,000	\$525,000	\$525,000 <sup>1</sup>
<i>Legislature enacted report card programs</i>					
Abalone Card	77,000	\$17.75	37,500	\$665,000	\$665,000 <sup>3</sup>
Steelhead Card	130,000	\$5.75	40,700	\$235,000	\$235,000 <sup>3</sup>
Footnotes:					
1) Department costs will depend on the final revenue received.					
2) Department costs for report card printing will be recovered from the Bay-Delta Stamp Program.					
3) Card revenue not utilized for program costs is required by statute to be allotted to restoration/research efforts.					

The Department expects increased costs for some individuals who now will be required to purchase a card who did not need to before. Fees for each card vary from \$1.50 to \$17.75, depending on the species for which a card is sought.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The estimated fiscal impacts to the Department are shown in Table 1.

These estimates result from Department costs associated with increased needs for fisheries monitoring and enforcement, analysis of report cards data, report card printing and issuance, and public outreach and education. Any report card program costs not recovered from the proposed report card fee and/or replacement card fees will result in a reciprocal reduction in fisheries monitoring or report card data analysis. Estimates of card sales are imprecise, and based on sales in prior years. For the new lobster report card, 2008 sales estimates were derived from crude Department estimates of lobster fishing activity from creel census reports, the only available information.

(e) Other Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.



(g) Costs Imposed to Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business.

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISH AND GAME COMMISSION

Dated: October 9, 2007

John Carlson, Jr.  
Executive Director